

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

In re:

Linda Marie Gonzalez Long

Case No. 18-10674

Debtor

**MOTION TO DETERMINE PROPRIETY OF ATTORNEY FEES AND
FOR ORDER REQUIRING DEBTOR'S ATTORNEY TO DISGORGE
ATTORNEY FEES AS APPROPRIATE**

The U.S. Bankruptcy Administrator for the Middle District of North Carolina (the “BA”), pursuant to Bankruptcy Rule 2017(a) and 11 U.S.C. §329(b), hereby moves the Court for a determination regarding whether the attorney fees paid by the Debtor to the Debtor’s attorney for services rendered or to be rendered in connection with this case is excessive, and for an order requiring the Debtor’s attorney to disgorge such fees to the extent determined to be excessive. In support hereof, the BA respectfully states as follows:

1. Linda Marie Gonzalez Long, the debtor herein (“the Debtor”), filed a petition under Chapter 7 under the U.S. Bankruptcy Code on June 20, 2018. The Debtor is represented by attorney Douglas Hux.
2. The Disclosure of Compensation filed with the petition indicates that Mr. Hux agreed to accept and receive from the Debtor \$3,000.00 for services rendered or to be rendered on behalf of the Debtor in connection with her Chapter 7 bankruptcy filing.
3. On June 21, 2018 the BA’s office sent a letter to Mr. Hux requesting that he provide a detailed time itemization of services rendered or to be rendered in connection with the Debtor’s case. A copy of the BA’s letter is attached hereto as Exhibit A. As of the date of this Motion the BA has not received a response.
4. The Debtor’s 341 meeting of creditors was held on July 16, 2018. The BA is informed and believes:
 - A. That Mr. Hux was not present when the Debtor’s case was called and that the Debtor chose to be examined without the benefit of counsel;
 - B. That in response to questioning by BA staff at the 341 meeting the Debtor testified that she believed she paid Mr. Hux close to \$4,000.00; and
 - C. That Mr. Hux arrived at the conclusion of the Debtor’s 341 meeting of creditors.
5. The BA respectfully requests that the Court set a hearing pursuant to Bankruptcy Rule 2017(a) to determine whether the fee charged by Mr. Hux and paid by the Debtor is excessive, and that the Court enter an order requiring Mr. Hux to disgorge the fee pursuant to 11 U.S.C. § 329(b), to the extent the Court determines such an order to be appropriate.

WHEREFORE, the BA respectfully requests:

- A. That the Court set a hearing to determine whether the \$3,000.00 fee or any other fees charged by Douglas Hux and paid by the Debtor for services rendered in connection with this case is excessive;
- B. That the Court enter an order requiring Douglas Hux to disgorge any part of his attorney fee determined by the Court to be excessive; and
- C. That the Court Grant such other and further relief as the court deems just and proper.

This the 24th of July, 2018.

WILLIAM P. MILLER, ESQ.
U.S. BANKRUPTCY ADMINISTRATOR

By s/ Sarah D. Bruce
Sarah D. Bruce
Staff Attorney
North Carolina State Bar No. 32605
101 S. Edgeworth Street
Greensboro, NC 27401
(336) 358-4170

CERTIFICATE OF SERVICE

This is to certify that, on this date, the foregoing document was served upon the following parties or counsel by electronic mailing or by depositing a copy in the United States mail, first class, postage prepaid, addressed as follows:

Douglas Hux via electronic filing and US Mail
703 Washington Street
Eden, NC 27288

Everett Saslow via electronic filing

Linda M. Gonzalez Long
604 John Street
Eden, NC 27288

DATED: July 24, 2018

s/ Traci Galloway
Bankruptcy Paralegal